
CASE No. 23-2109

BEFORE THE UNITED STATES
COURT OF APPEALS FOR THE FEDERAL CIRCUIT

BIOPARQUES DE OCCIDENTE, S.A. DE C.V.,
AGRICOLA LA PRIMAVERA, S.A. DE C.V.,
KALIROY FRESH LLC,
Plaintiffs-Appellants,

v.

UNITED STATES, THE FLORIDA TOMATO EXCHANGE,
Defendants-Appellees

APPEAL FROM
THE U.S. COURT OF INTERNATIONAL TRADE
IN CASE No. 1:20-cv-00035-JCG, JUDGE JENNIFER
CHOE-GROVES

JOINT STATUS REPORT

Pursuant to the Court's September 25, 2023 Order staying this appeal pending the U.S. Court of International Trade's (CIT) final disposition of *Bioparques de Occidente, S.A. de C.V. et al v. United States* (Consol. No. 19-00204), the parties respectfully submit this joint status report.

On April 17, 2025, the CIT issued a final judgment in Consol. Ct. No. 19-00204, sustaining the U.S. Department of Commerce's final determination in *Fresh Tomatoes from Mexico*, 84 Fed. Reg. 57,401 (Dep't of Commerce Oct. 25, 2019), as amended, Final Results of Redetermination Pursuant to Court Remand, ECF Nos. 120-1, 121-1, and entering judgment for the

Defendant. Under 28 U.S.C. § 2107(b), the deadline to appeal that judgment to this Court is 60 days from the date of entry, June 16, 2025.

The parties respectfully propose to continue to stay this appeal until the period to appeal the CIT's decision expires. Plaintiffs-Appellants further note that, in the event that no party files an appeal of the CIT's decision in Consol. Ct. No. 19-00204, Plaintiffs-Appellants intend to withdraw this appeal.

Respectfully submitted,

/s/ Jeffrey M. Winton

Jeffrey M. Winton
Michael J. Chapman
Vi N. Mai
WINTON & CHAPMAN PLLC
1100 13th Street, N.W., Suite 825
Washington, D.C. 20005
(202) 774-5500

Attorneys for Plaintiffs-Appellants
Bioparques de Occidente, S.A. de
C.V., Agricola La Primavera, S.A. de
C.V., and Kaliroy Fresh LLC

May 8, 2025

Respectfully submitted,

YAAKOV M. ROTH
Acting Assistant Attorney General

PATRICIA M. MCCARTHY
Director

/s/ Franklin E. White, Jr.
FRANKLIN E. WHITE, JR.
Assistant Director

/s/ Douglas G. Edelschick
DOUGLAS G. EDELSCHICK
Senior Trial Counsel
Commercial Litigation Branch
Civil Division
United States Department of Justice
P.O. Box 480, Ben Franklin Station
Washington, DC 20044
Tel: (202) 353-9303

Of Counsel:

AYAT MUJAIS
Senior Attorney
Office of Chief Counsel for Trade
Enforcement and Compliance
U.S. Department of Commerce

May 8, 2025

Attorneys for Defendant-Appellee
United States

/s/ Mary Jane Alves

Mary Jane Alves
James R. Cannon, Jr.
Ulrika K. Swanson
Jonathan M. Zielinski
CASSIDY LEVY KENT USA LLP
2112 Pennsylvania Avenue NW
Suite 300
Washington, D.C. 20037
(202) 567-2300

Attorneys for Defendant-Appellant The
Florida Tomato Exchange

May 8, 2025